

404 THE
 GENUINE INTERESTING
 S P E E C H
 OF A
 Right Hon. ~~RE~~
 LORD MAYOR,
 Upon the very im- portant Subject
 OF THE
 MIDDLESEX ELECTIONS,

Delivered on WEDNESDAY, Feb. 22, 1775,
 In the HOUSE of COMMONS.

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 This spirited Speech is earnestly recommended  
 to the Perusal of every FRIEND of LIBERTY,  
 particularly to the Freeholders of Middlesex, who so nobly  
 opposed a most venal and corrupt Parliament.

MR. SPEAKER,

THE Motion, which I shall have the Honour of submitting to the House, affects in my Opinion the very Vitals of this Constitution, the great primary Sources of the Power of the People, whom we represent, and by whose Authority only, delegated to us for a Time, we are a Part of the Legislative Body of this Kingdom. The Proceedings of the last Parliament in the Business of the Middlesex Elections gave a just Alarm to almost every Elector in the Nation. The fatal Precedent then attempted to be established was considered as a direct Attack on the inalienable Rights of the People. The most respectable Bodies in this Kingdom expressed their Abhorrence of the Measure. They proceeded so far as to petition the Crown for the Dissolution of that Parliament, as having been guilty of a flagrant Abuse of  
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their Trust. Above 60,000 of our Fellow-Subjects carried their Complaints to the Foot of the Throne; a Number surely deserving the highest Regard from a Minister, if his whole Attention had not been engrossed by the small Number of the 6000, who return the Majority of Members to this House. The People, Sir, were in a FERMENT, which has not yet subsided. They made MY Cause THEIR OWN; for they saw the POWERS of GOVERNMENT exerted against the CONSTITUTION, which was wounded through my Sides, and the envenomed Shafts of a WICKED ADMINISTRATION pointed at our LAWS and LIBERTIES no less than at a hated Individual. The Plan was carried on for some Years with a Spirit of Malevolence and Rancour, which would have disgraced the very worst, but with a Perseverance, which would have done Honour to the best, Cause. I do not mean, Sir, to go through the Variety of Persecutions and Injuries, which that Person suffered, I hope, with a becoming Fortitude. I have forgiven them. All the GREAT POWERS of the STATE at one Time appeared combined to pour their Vengeance on me. Even IMPERIAL JOVE pointed his Thunder-Bolts, red with uncommon Wrath, at my devoted Head. I was scorched, but not consumed. The broad Shield of the Law protected me. A generous Public, and my noble Friends, the FREE-HOLDERS of MIDDLESEX, the ever steady Friends of Liberty and their Country, poured Balm into my Wounds. They are healed. Scarcely a Scar remains: But I feel, I deeply feel, the Wounds given to the Constitution. They are still bleeding. This House only can heal them. They only can restore the Constitution to its former State of Purity, Health, and Vigour. May I be permitted to point out the Mode of the Cure, and the salutary Methods I think you ought to apply? Before I proceed to the Remedy, I shall beg the Indulgence of the House to state the Case, and I hope they will forgive a dry, but candid Narrative of Facts, because I mean to argue from them. I will give them as briefly as possible, and with all the Impartiality of a Bye-stander.

Mr. Wilkes was first elected for the County of Middlesex on the 28th of March 1768. He was expelled the 3d of February 1769, and the second Time chosen without Opposition the 16th Day of the same Month. On the Day following, that Election was vacated, and he was declared by a Majority of the House incapable of being elected into that Parliament. Notwithstanding this Resolution of the House, he was a third Time on the 16th of March elected without Opposition, for I suppose the ridiculous Attempt of a Mr. Dingley, who had not a single Freeholder to propose or vote for him, can hardly be called an Opposition. That Election however was declared void the next Day. On the 13th of April Mr. Wilkes was a fourth Time elected by a Majority of 1143 Votes against Mr. Luttrell, who had only 296. The same Day the House voted, "that Mr. Luttrell *ought* to have been returned." On the 29th of April a Petition was presented to the House from the Freeholders of Middlesex by a worthy Baronet\*, who is not only an Honour to this House, but to human Nature; notwithstanding which the House on the 8th of May resolved, "that Henry Lawes Luttrell, Esquire, is duly elected a Knight of the Shire to serve in this present Parliament, for the County of Middlesex."

These are the leading Facts. I will not trouble the Clerk, Sir, to read all the Resolutions, to which I have alluded. They are most of them fresh in the

\* Sir George Saville.

Memories of Gentlemen. I only call for that of Feb. 17, 1769, respecting Incapacity as the certain Consequence of Expulsion.

[The clerk read the Resolution.]

Now, Sir, I think it fair to state to the House the Whole of what I intend to move in consequence of the Facts I have stated, and the Resolution just read. The first Motion I intend is, "that the Resolution of this House of the 17th of February 1769, 'that John Wilkes, Esquire, having been, in this Session of Parliament, expelled this House, WAS, and IS, incapable of being elected a Member to serve in this present Parliament,' be expunged from the Journals of this House, as being subversive of the Rights of the whole Body of Electors of this Kingdom." This I hold of Necessity to restore the Constitution, which that Resolution tears up by the Roots. I shall then, if I succeed, if Justice and a Reverence for the Constitution prevail in this Parliament, proceed to the other Motion, "that all the Declarations, Orders, and Resolutions of this House, respecting the Election of John Wilkes, Esquire, for the County of Middlesex as a void Election, the due and legal Election of Henry Lawes Luttrell, Esquire, into the last Parliament, for the County of Middlesex, and the Incapacity of John Wilkes, Esquire, to be elected a Member to serve in the said Parliament, be expunged from the Journals of this House, as being subversive of the Rights of the whole Body of Electors of this Kingdom."

The Words of the Resolution of the 17th of February 1769, which I mean particularly to combat, are, "WAS and IS incapable," and the Explanation of them the same Day in the Order for a new Writ, "in the Room of John Wilkes, Esquire, who is *adjudged incapable* of being elected a Member to serve in this present Parliament." In the first Formation of this Government, in the original Settlement of our Constitution, the People expressly reserved to themselves a very considerable Part of the Legislative Power, which they consented to share jointly with a King and House of Lords. From the great Population of our Island this Power could not be exercised personally, and therefore the *Many* were compelled to delegate that Power to a *Few*, who thus became their Deputies and Agents only, their Representatives. It follows directly, from the very Idea of Choice, that such Choice must be free and uncontrouled, admitting of no Restrictions, but the Law of the Land, to which King and Lords are equally subject, and what must arise from the Nature of the Trust. A Peer of Parliament, for Instance, cannot be elected a Member of the House of Commons, because he already forms a Part of another Branch of the same Legislative Body. A Lunatic has a natural Incapacity. Other Instances might be mentioned, but those two are sufficient. The FREEDOM of ELECTION is then the COMMON RIGHT of the PEOPLE, their fair and just Share of Power, and I hold it to be the most glorious Inheritance of every Subject of this Realm, the noblest, and I trust, the most solid Part of that beautiful Fabric, the English Constitution. Here I might lean, Sir, on the most respectable Authorities, which can be cited, the Supreme Judicature of the Kingdom, and the venerable Judges of former Ages as well as of our own Times. *I met them accidentally\* this Morning in the Course of my Reading*, as an old Friend of Wilkes

\* The Duke of Grafton.

and Liberty, now, alas! lost to every Sense of Duty to his Country, frequently tells another Assembly, he *accidentally meets* all the tiresome Quotations he makes. The House of Peers, in the Case of Ashby and White in 1704, determined, "a Man has a Right to his Freehold by the Common Law; and the Law having annexed his Right of voting to his Freehold, it is of the Nature of his Freehold, and must depend upon it." On the same Occasion likewise they declared, "it is absurd to say, the Electors Right of chusing is founded upon the Law and Custom of Parliament. It is an original Right, Part of the Constitution of the Kingdom, as much as a Parliament is, and from whence the Persons elected to serve in Parliament do derive their Authority, and can have no other but that which is given to them by those that have the original Right to chuse them." The greatest Law Authorities, both antient and modern, agree in Opinion, that every Subject of the Realm, not disqualified by Law, is eligible of Common Right. Lord Coke, Lord Chief Justice Holt, and Mr. Justice Blackstone, are the only Authorities I shall cite. I regard not, Sir, the slavish courtly doctrines propagated by Lawyers in either House of Parliament, as to the Rights of the Subject, no more than I do as to what they call *High Treason* and *Rebellion*. Such Doctrines are delivered here only to be reported elsewhere. These Men have their Reward. But the venal Tongue of a prostitute Advocate or Judge is best answered by the wise and sober Pen of the same Man, when in a former cool Moment, unheated by Party Rage of Faction, after the fullest Deliberation, he gave to the Nation, to the present Age, and to Posterity, a fair and impartial Detail of their undoubted Rights, and when he laid down in clear and express Terms the plain Law of the Land. Lord Coke says, "he which is eligible of common Right, cannot be disabled by the said Ordinance in Parliament, unless it had been by Act of Parliament." Lord Chief Justice Holt declares, "The Election of Knights belongs to the Freeholders of Counties, and it is an original Right, vested in and inseparable from the Freehold, and can no more be severed from their Freehold, than their Freehold itself can be taken away." Mr. Justice Blackstone, in the first Book of his Commentaries, has the following Words. "Subject to these Restrictions and Disqualifications every Subject of the Realm is eligible of *common Right*." This *common Right of the Subject*, Sir, was violated by the Majority of the last House of Commons, and I affirm, that they, and in particular, if I am rightly informed, the Noble Lord with the Blue Ribband, committed HIGH TREASON against MAGNA CHARTA. This House only, without the Interference of the other Parts of the Legislature, took upon them to *make the Law*. They *adjudged me incapable* of being elected a Member to serve in that Parliament, although I was qualified by the Law of the Land, and the Noble Lord declared, "if any other Candidate had only six Votes, he would seat him for Middlesex."\* I repeat it, Sir, this Violence was a direct Infringement of Magna Charta, HIGH TREASON against the sacred CHARTER of our LIBERTIES. The Words, to which I allude, ought always to be written in Letters of Gold. "No Freeman shall be disseized of his Freehold, or Liberties, or free Customs, unless by the lawful Judgment of his Peers, or by the Law of the Land." By the Conduct of that Majority, and the Noble Lord, they assumed to themselves the Power of making the Law, and at the same Moment invaded the Rights of the People, the King and

\* This is a Mistake. Lord Stanley declared, that his Father, the late Lord Strange not Lord North, made that Declaration.

the Lords. The two last tamely acquiesced in the Exercise of a Power, which had been in a great Instance fatal to their Predecessors, had put an End to their very Existence; but the People, Sir, and in particular the spirited Freeholders of this County, whose ruling Passion is the Love of Liberty, have not yet forgiven the Attack on their Right. So dangerous a Precedent of Violence and Injustice, which may in future Times be cited by a despotic Minister of the Crown, ought to be expunged from the Journals of this House.

I have heard and read much of Precedents to justify the Proceedings of the Majority in the last House of Commons. I own, Sir, I value very little the Doctrine of Precedents. There is scarcely any new Villainy under the Sun. A Precedent can never justify any Action in itself wicked, a Robbery for Instance on the Heaths of Hounslow or Bagshot, of which there are innumerable Precedents. The basest Actions may be justified by Precedents drawn from bad Times and bad Men. The sole Question is, Whether this POWER is not a direct USURPATION on the RIGHTS, of the People? If that is proved, I care not how long the Usurpation has continued, how often practised. It is high Time to put an End to it. It was the Case of General Warrants. One Precedent however, the most insisted upon, I must take Notice of, because it is said fully to come up to the Point; but in my Opinion, in almost every Part it proves the contrary of what it has been brought to support. I mean the remarkable Case of Mr. Walpole in 1711, a Period in which the rankest Tory Principles were countenanced more than in any Period of our History prior to 1760. The Case has been so partially quoted, even by a \* Person whose sole Merit here was an assumed Accuracy, which he never possessed, that I shall desire it may be read to the House from our Journals. The Date is March 6, 1711.

[The Clerk reads, "Resolved, That Robert Walpole, Esquire, having been, " this Session of Parliament, committed a Prisoner to the Tower of London, " and expelled this House, *for an high Breach of Trust in the Execution of his " Office, and notorious Corruption, when Secretary at War*, was, and is, incapable " of being elected a Member to serve in the present Parliament."] Now, Sir, I must observe, that even that Parliament at an Æra, so hostile to the Liberties not only of England, but of Europe, did not venture to *adjudge him incapable* of being elected a Member to serve in that Parliament only because he was expelled, but in the Body of the Resolution itself they add another Reason, which would be trifling, if one was sufficient, and adequate to the Point, *the high Breach of Trust in the Execution of his Office, notorious Corruption, when Secretary at War*. As Trustees for the Public, they assigned a Cause, which must interest every Member of the Community. In the Case of Mr. Wilkes, the late Majority declared, " That John Wilkes, Esquire, having been in this " Session of Parliament, expelled this House, *was and is* incapable of being " elected a Member to serve in this present Parliament." The *having been expelled*, whether justly or unjustly, is the only Reason they gave to the Public. I shall not yet, Sir, dismiss the Case of Mr. Walpole. It will prove another Proposition I have maintained, the Injustice of the late Majority in seating Mr. Luttrell in this House. The Fact is, that the House of Commons having expelled Mr. Walpole, ordered a new Writ to issue. At the subsequent Election

\* Jeremiah Dyson, Esq;

Walpole was again returned. A Mr. Taylor, who had a Minority of Votes, petitioned, but the Election was vacated. Had the Doctrine propagated by the late Majority, and by the Noble Lord in the Blue Ribband, been just, Mr. Taylor ought to have sat, the House should have resolved he *ought* to have been returned, and the grossest Injustice was actually done to him. But even that Parliament, whose Memory the Nation execrates, dared not proceed to such enormous Wickedness. It was reserved for the present Æra, when Shame has lost it's Blush. Mr. Luttrell was for some Years declared to represent the County of Middlesex, although a great Majority of the Freeholders abhorred and reprobated the Idea, and on every public Occasion declared it.

Sir, when the strong Reasons, on which any Doctrine is founded, bear me out, I care little about Precedents. I recollect, however, another Instance of Mr. Wollaston, which directly meets an Objection, which has been much relied upon, "that Expulsion necessarily implies Incapacity." It is the last I shall desire the Clerk to read. I wish him to turn to the Journals of Feb. 20, 1698. [The Clerk reads, "Resolved, That Richard Woollaston, Esquire, being a Member of the House of Commons, and having since been concerned, and acted as, a Receiver of the Duties, &c. contrary to the Act made in the 5th and 6th of his Majesty's Reign, &c. *be expelled this House.*" Now, Sir, I defy all the Subtlety of the most expert Court Lawyer among us, all the Sophistry of the Bar, to reconcile this Case with the favourite Court Tenet, "that Expulsion implies Incapacity," because the Fact is ascertained, that a new Writ did issue for the Borough of Whitchurch, and that *Mr. Wollaston was re-elected and sat in the same Parliament.* Incapacity therefore does not necessarily follow *Expulsion.*

I am ready to admit, that where a clear legal Incapacity exists, all Votes given to a Person incapacitated are thrown away, if they are knowingly given to him. But, Sir, I beg Leave to assert that this was not the Case in the Middlesex Business. Mr. Wilkes was qualified by the Law of the Land, and the Freeholders, who perfectly understood the clear Point of Law, as well as their own Rights, expressly declared in the Petition presented on the 29th of April to the House, "Your Petitioners beg Leave to represent to this Honourable House, that the said Henry Lawes Luttrell had not the Majority of legal Votes at the said Election, nor did the Majority of the Freeholders, when they voted for John Wilkes, Esquire, mean thereby to throw away their Votes, or to wave their Right of Representation: nor would they, by any Means, have chosen to be represented by the said Henry Lawes Luttrell, Esquire. Your Petitioners therefore apprehend he cannot sit as the Representative of the said County in Parliament, without a manifest Infringement of the Rights and Privileges of the Freeholders thereof."

This House, Sir, is created by the PEOPLE, as the other is by the King. What Right can the Majority have to say to any County, City, or Borough, You shall not have a particular Person your Representative, only because he is obnoxious to us, when he is qualified by Law. Every County, City or Borough has an EQUAL RIGHT with all other Counties, Cities and Boroughs,

Boroughs, to it's particular Deputy in the Great Council of the Nation. Each is **DISTINCT, FREE and INDEPENDENT**. I do not mean, Sir, now to enter into the Argument, whether it may not be fit to give this House the Power of Expulsion in the first Instance for very flagrant and infamous Crimes, either committed, or of which the Member may be convicted, subsequent to his Election. That might seem an Appeal to the People, the sending the Member back to his Constituents. If however they differ in Opinion from the House, and re-elect him, he ought to sit, because he claims his Seat under the same Authority each Member holds his, a Delegation from the **PEOPLE**. The first Appeal to the **CONSTITUENTS** may seem just. The Appeal certainly lies to **THEM**, and it is by **THEIR** Representation only you are a House of Parliament. **THEY** have the Right of chusing for **THEMSELVES**, not you for them.

Sir, I will venture to assert, that the Law of the Land, by which all Courts of Judicature are equally bound, is overturned by the Power lately exercised by a Majority of the House. The **RIGHT of ELECTION** is placed not in **YOU**, but in **OTHER Hands**, in **THOSE** of your **CONSTITUENTS**. Your Predecessors not only robbed a particular County of it's noblest Privileges, but they changed the Constitution of a House of Commons. The Freeholders of this County, and the Nation, abhorred the Action, and poured their Execrations on the Authors. But, Sir, if you can expel whom you please, and reject those disagreeable to you, the House will be *self-created and self-existing*. The original Idea of your representing the People will be lost. The Consequences of such a Principle are to the highest Degree alarming. A more **FORCIBLE ENGINE** of **DESPOTISM** cannot be put into the Hands of any Minister. I wish Gentlemen would attend to the plain Consequences of such Proceedings, and consider how they may be brought home to themselves. A Member hated or dreaded by the Minister is accused of any Crime, for Instance of having written a pretended Libel. I mention this Instance as the Crime least likely to be committed by most of the Members of this House. No Proof whatever is given on Oath before you, because you cannot administer an Oath. The Minister **INVADES** immediately the **RIGHT of JURIES**. Before any Trial, he gets the Paper voted a **LIBEL**, and the Member he wishes expelled to be the Author, which Fact you are not competent to try. *Expulsion* means, as it is pretended, *Incapacity*. The Member is *adjudged incapable*; he cannot be re-elected, and thus is he excluded from Parliament. A Minister by such *Manceuvres* may garble a House of Commons till not a single Enemy of his own, or Friend of his Country, is left here, and the Representation of the People is in a great Degree lost. **CORRUPTION** had not lent **DESPOTISM** Wings to fly so high in the Times of Charles I. or the Minister of that Day would have been contented with *expelling* Hampden and the four other Heroes, because they had immediately been *adjudged incapable*, and he thereby *incapacitated* them from thwarting in Parliament the arbitrary Measures of a wicked Court.

Upon all these Considerations, in order to quiet the Minds of the People, to restore our violated Constitution to its original Purity, to vindicate the injured Rights of this County in particular, and of all the Electors of this Kingdom, and that not the least Trace of the Violence and Injustice of the  
last.

last Parliament may disgrace our Records, I humbly move, " that the Resolution of this House of the 17th of February 1769, ' *that John Wilkes, Esquire, having been, in this Session of Parliament, expelled this House, WAS, and is, incapable of being elected a Member to serve in this present Parliament,* ' be expunged from the Journals of this House, as being subversive of the Rights of the whole Body of Electors of this Kingdom."

\*† The Motion in the Lower Assembly, relative to the Proceedings of the MIDDLESEX ELECTIONS, occasioned the above interesting Speech, and the Motion being seconded, a general Debate ensued. The Question was repeatedly attempted to be put, but was as often prevented by new Speakers rising. — However, a little after Two on Thursday Morning, " The Question," " The Question," was so far the prevailing Call, that it was put, and the House divided, when the Numbers were,

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| For the Motion, | — | 171 |
| Against it,     | — | 239 |

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L O N D O N:

Printed for R. S N A G G, N<sup>o</sup>. 29, in *Pater-Noster-Row*.

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